



VIA EXPRESS MAIL EL777478670US

Attorney Docket No. 120051-1006

TS  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application: Tim Mortenson, et al.

Serial No. 09/826,728

Filed: April 5, 2001

Art Unit: 2622

Examiner: Not Assigned

For: DOCUMENT PROCESSING USING COLOR MARKING

BOX MISSING PARTS  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

**RESPONSE TO  
NOTICE TO FILE MISSING PARTS OF APPLICATION**

In response to the Notice to File Missing Parts of Application mailed May 22, 2001 a copy of which is returned herewith, Applicant respectfully submits this response.

***Declaration and Power of Attorney***

As required by the Notice of Missing Parts of Application, Applicants hereby encloses a Declaration and Power of Attorney for the three inventors.

***Correction to Filing Receipt***

Please correct the name of the second inventor from "Alexandra Shustorovich" to "Alexander Shustorovich". A marked-up copy of the Filing Receipt is attached.

"Express" Mailing. Date of Deposit: **July 5, 2001**. I hereby certify that this paper is being deposited with the U.S. Postal Service Express Mail US777478670US to Addressee Service under 37 CFR 1.8 on the date shown above and is addressed to Box Missing Parts Commissioner for Patents, Washington, D.C. 20231.



Heather Huse

***Required Fees***

The Commissioner is hereby authorized to charge \$130.00 for the surcharge set forth in 37 C.F.R. 1.16(e) and any other fees which may be required by this paper to Deposit Account 07-0153.

***Conclusion***

Applicant respectfully submits that all required parts for the application have now been filed and that no additional fees are required.

Respectfully submitted,

GARDERE WYNNE SEWELL, L.L.P.



Daniel J. Chalker  
Registration No. 40,552

ATTORNEY FOR APPLICANT

Dated: July 5, 2001  
1601 Elm Street, Suite 3000  
Dallas, Texas 75201  
(214) 999-4785 – Telephone  
(214) 999-4667 - Facsimile

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/826,728	04/05/2001	Tim Mortenson	120051-1006

**CONFIRMATION NO. 6052**

**FORMALITIES LETTER**



\*OC000000006103497\*

Daniel J. Chalker  
Gardere Wynne Sewell, LLP  
3000 Thanksgiving Tower  
1601 Elm Street, Suite 3000  
Dallas, TX 75201-4767

Date Mailed: 05/22/2001

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

***Filing Date Granted***

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

***A copy of this notice MUST be returned with the reply.***

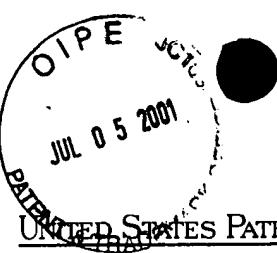
*[Handwritten signature]*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/826,728	04/05/2001	2622	890	120051-1006	5	30	3

CONFIRMATION NO. 6052

FILING RECEIPT



\*OC00000006103496\*

Daniel J. Chalker  
Gardere Wynne Sewell, LLP  
3000 Thanksgiving Tower  
1601 Elm Street, Suite 3000  
Dallas, TX 75201-4767

Date Mailed: 05/22/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

*Alexander*

Tim Mortenson, Penfield, NY;  
 Alexandra Shustorovich, Pittsford, NY;  
 Christopher William Thrasher, Rochester, NY;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted 05/22/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Document processing using color marking

GARDERE WYNNE SEWELL LLP

MAY 29 2001

**Preliminary Class**

358

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**Data entry by :** ZEWDIE, BIZUAYEHU

**Team :** OIPE

**Date:** 05/22/2001



UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 05 2001

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WASHINGTON, D.C. 20231  
www.uspto.gov

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FORMALITIES LETTER

Daniel J. Chalker  
Gardere Wynne Sewell, LLP  
3000 Thanksgiving Tower  
1601 Elm Street, Suite 3000  
Dallas, TX 75201-4767

DOCKETED

*missing parts/Correct to file* OC000000006103497

Due 7-22-01 *Not*



Date Mailed: 05/22/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

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*Filing Date Granted*

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- **The balance due by applicant is \$ 130.**

*A copy of this notice **MUST** be returned with the reply.*

*dpf*

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PART 1 - ATTORNEY/APPLICANT COPY

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

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Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231

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